

APPLICANT(S): BLIEVSKY, Alex

SERIAL NO.: 10/585,131

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 4, 5, 7-10, 15, 16, 18, 20-23, and 30-37 are pending. Claims 1 and 33 have been amended. Claims 18, 20-23 and 35-37 have been withdrawn. Claims 4, 7-10 and 34 have been cancelled, without prejudice to their filing in a continuation or divisional application. Claims 38-43 have been added to further define embodiments of the invention. No new matter has been added.

Telephone Interviews

On January 26, 2012, the undersigned and Nogah Bregman, a representative of the assignee, spoke by telephone with the Examiner regarding proposed claim amendments and US Pub. 2004/0204630 to Gilad. No agreement was reached, but the Examiner proposed an amendment which, per the Examiner, would overcome the 35 USC 112, first paragraph rejection related to enablement. The amendments in this paper are based on the Examiner suggestions, but have been modified.

On October 7, 2011, October 11, 2011 and October 19, 2011, the undersigned (with Ohad Mayblum, a representative of the assignee, on October 19, 2011), spoke by telephone with the Examiner regarding proposed claim amendments. No agreement was reached.

Claim Objections

The Examiner objected to claims 1 and 10 because of informalities. Claim 1 has been amended, and claim 10 has been cancelled. Applicant requests that the Examiner withdraw the claim objections.

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35 USC 112 Rejections/New Claims

The Examiner rejected claims 1, 4-5, 7-10, 15-16 and 30-34 under 35 U.S.C. 112, first paragraph, as not complying with the enablement requirement.

On January 26, 2012, the Examiner proposed an amendment which, per the Examiner, would overcome the 35 USC 112, first paragraph rejection related to enablement. The amendments to claim 1 in this paper are based on the Examiner suggestions, but have been modified.

Applicant asserts that the enablement of and the operation of "a processor to determine the movement of the in-vivo device between a first lumen having a first diameter to a second lumen having a second diameter wherein the lumen walls are closer to the outer shell when the device is in the one of the first lumen and the second lumen, based on the light detector detecting less light in the lumen where the lumen walls are closer to the outer shell" as in claim 1, as amended, is clear from Applicant's specification as filed.

The specification includes a description of how a processor may determine the movement of a device between lumens having different diameters based on, for example the lumen walls being closer or further from the device, and based on a detector detecting more or less light. For example, pages 8-9 of the specification as filed describe such a device.

While new claim 38 includes limitations different from that of claim 1, new claim 38 also complies with 35 U.S.C. 112, first paragraph.

The Examiner rejected claims 8-10 and 34 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 8-10 and 34 have been cancelled.

Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C § 112 rejections of claims 1, 4-5, 7-10, 15-16 and 30-34.

35 USC 102 Rejection/New Claims

The Examiner rejected claims 1, 4-5, 7-10, 15-16 and 30-34 under 35 U.S.C. 102(e), as being anticipated by Gilad, US published application number 2004/0204630. Applicant traverses this rejection in view of the remarks that follow.

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Gilad describes an in-vivo capsule with a motion detector. (Abstract) Gilad does not describe a processor which can determine the movement of a device between lumens, as described in independent claim 1, as amended, and claim 38. Gilad does not describe a processor determining movement based on less light being detected in a lumen where the lumen walls are closer to the outer shell. While Gilad and each of claims 1 and 38 determine movement of a device, the parallels end with this concept, as Gilad lacks at least the limitations described in this paragraph.

Thus Gilad lacks “a processor to determine the movement of the in-vivo device between a first lumen having a first diameter to a second lumen having a second diameter wherein the lumen walls are closer to the outer shell when the device is in the one of the first lumen and the second lumen, based on the light detector detecting less light in the lumen where the lumen walls are closer to the outer shell” as required by claim 1, as amended. Similarly, Gilad lacks “a processor to determine the movement of the in-vivo device between a first lumen having a first diameter to a second lumen having a second diameter wherein the lumen walls are closer to the outer shell when the device is in one of the first lumen and the second lumen, based on the imager detecting less light in the lumen where the lumen walls are closer to the outer shell” as required by new claim 38.

Since Gilad lacks several limitations of each of independent claims 1 and 38, claims 1 and 38 are patentable over Gilad. Each of claims 4, 7, 15, 16, 31-33 and 39-43 depends from one of claims 1 or 38 and is therefore likewise allowable.

Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C § 102 rejection of claims 1, 4-5, 7-10, 15-16 and 30-34. In addition, Applicant asserts that new claims 38-43 are allowable.

Conclusion

In view of the foregoing amendments and remarks, Applicant asserts that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone

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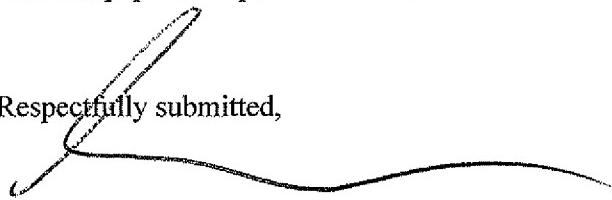
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number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any fees are due, please charge any such fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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